

August 30, 2012

United States Patent and Trademark Office
Mail Stop Patents
PO Box 1450
Alexandria, VA 22313-1450

Attn: Derek L. Woods

RE: Patent ID: 6,367,154

Dear Mr. Woods;

We have sent some time reviewing your decision to DISMISS our petition to grant us our patent back. Sorry we are hitting right at the 90 day mark but wanted to take the time to review some other cases that this has happened etc and what the outcome was at that time. Here is what we found:

The standard for overcoming a "unavoidable" abandonment of patent is very high.
Here is a bit that might help:

Ignorance as an Excuse: On appeal from the PTO, the District Court noted that there are situations in which ignorance of the requirements to pay maintenance fees may support a finding of unavoidable delay." Citing *In re Mattulath* (D.C. Cir. 1912). However, the ignorance excuse requires that the unrepresented patent holder make some "effort to inform himself of the legal obligations associated with owning a patent." See *California Med. v. Tecnol Med.* (D. Del. 1995). Complete ignorance of the fact that the patent exists can also create an avoidable excuse.

We do not have any proof of this since it goes so far back but this was really Human Error! Nothing more. It was unavoidable.

We also found that this does happen with many large companies who pay a firm to do it and sometimes error occurs and they are granted this back. We cannot afford to pay a firm to do this for us and it was our first one! We would not make this same error again.

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We also found this link below that noted many other times this happened with larger firms who are paid to do this and missed it or people who did not but an error missed the payment to renew and were granted it back. We have paid you already a few and now sending you 400.00 additional (that we know we can not recover if you dismiss it again) at a time when economy and money is tight! We ask you once again to reconsider your decision and grant us our right to our idea back!

<http://www.patentlyo.com/patent/2009/02/reinstating-pat.html>

Thank you once again for taking the time to review,


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-Faxed: Hard Copy to be
overnighted.

THANK - YOU.